



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2844

DATE SCANNED 3/18/15

SCANNER NO. 2

SCAN OPERATOR EE5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
2014 NOV 18 PM 4:26

November 18, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickerall *DR*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 September Monthly Report for the Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to file the 2014 September Monthly Report in accordance with 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). The September Monthly Report was due on September 20, 2014.

The committee listed in the attached RTB Circulation Report filed the report more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission
Reason to Believe Circulation Report
2014 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2014 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2844	C00212787	HAWAII DEMOCRATIC PARTY		FLORENCE L. KONG KEE	\$643,984	1	10/20/2014	30	\$16,433	\$325

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation - 2014)
September Monthly Report for the)
Administrative Fine Program:)
HAWAII DEMOCRATIC PARTY, and) AF# 2844
KONG KEE, FLORENCE L as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 20, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2014 September Monthly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated November 18, 2014, on the following committees:

AF#2844 Decided by a vote of 6-0 to: (1) find reason to believe that HAWAII DEMOCRATIC PARTY, and KONG KEE, FLORENCE L as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 21, 2014
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 21, 2014

Florence L. Kong Kee, in official capacity as Treasurer
Hawaii Democratic Party
404 Ward Avenue, Ste. 200
Honolulu, HI 96814

C00212787
AF#: 2844

Dear Ms. Kee:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a September Monthly Report of Receipts and Disbursements covering the period August 1, 2014 through August 31, 2014. This report shall be filed no later than September 20, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 20, 2014, thirty (30) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). 52 U.S.C. § 30109(a)(4) (formerly 2 U.S.C. § 437g(a)(4)). On November 20, 2014, the FEC found that there is reason to believe ("RTB") that Hawaii Democratic Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) by failing to file timely this report on or before September 20, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$325. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$325 is due within forty (40) days of the finding, or by December 30, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$16,433
Number of Days Late: 30
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or December 30, 2014. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Hawaii Democratic Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2) (formerly 2 U.S.C. § 437g(a)(2)). It will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) (formerly 2 U.S.C. § 437g(a)(4)(B)) and 30109(a)(12)(A) (formerly 437g(a)(12)(A)) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Lee E. Goodman
Chairman

CONFIDENTIAL

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$325 for the 2014 September Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by December 30, 2014. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Hawaii Democratic Party

FEC ID#: C00212787

AF#: 2844

PAYMENT DUE DATE: December 30, 2014

PAYMENT AMOUNT DUE: \$325



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 FEB 24 PM 5:23

February 24, 2015

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *swt for*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickeral *KDR JP*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2014 September Monthly Report

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2014 September Monthly Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission
FD Circulation Report Fine Paid
2014 SEPTEMBER MONTHLY Not Election Sensitive 09/20/2014 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2844	HAWAII DEMOCRATIC PARTY		C00212787	FLORENCE L. KONG KEE	10/20/2014	30	\$20,485	1	11/20/2014	\$325	\$325	12/15/2014	\$325

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2014 September Monthly Report:)
HAWAII DEMOCRATIC PARTY, and) AF# 2844
KONG KEE, FLORENCE L as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 26, 2015 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2014 September Monthly Report as recommended in the Reports Analysis Division's Memorandum dated February 24, 2015, on the following committees:

AF#2844 Decided by a vote of 6-0 to: (1) make a final determination that HAWAII DEMOCRATIC PARTY, and KONG KEE, FLORENCE L as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 27, 2015
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 2015

Florence L. Kong Kee, in official capacity as Treasurer
Hawaii Democratic Party
404 Ward Ave., Ste. 200
Honolulu, HI 96814

C00212787
AF#: 2844

Dear Ms. Kee:

On November 20, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Hawaii Democratic Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for filing late or failing to file the 2014 September Monthly Report. By letter dated November 21, 2014, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$325 in accordance with the schedule of penalties at 11 CFR § 111.43.

On December 15, 2014, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on February 26, 2015 that Hawaii Democratic Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)), assessed a civil money penalty in the amount of \$325 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink that reads "Ann M. Ravel". The signature is fluid and cursive, with the first name "Ann" and last name "Ravel" clearly legible.

Ann M. Ravel
Chair

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Hawaii Democratic Party

FEC ID#: C00212787

AF#: 2844

PAYMENT DUE DATE: December 30, 2014

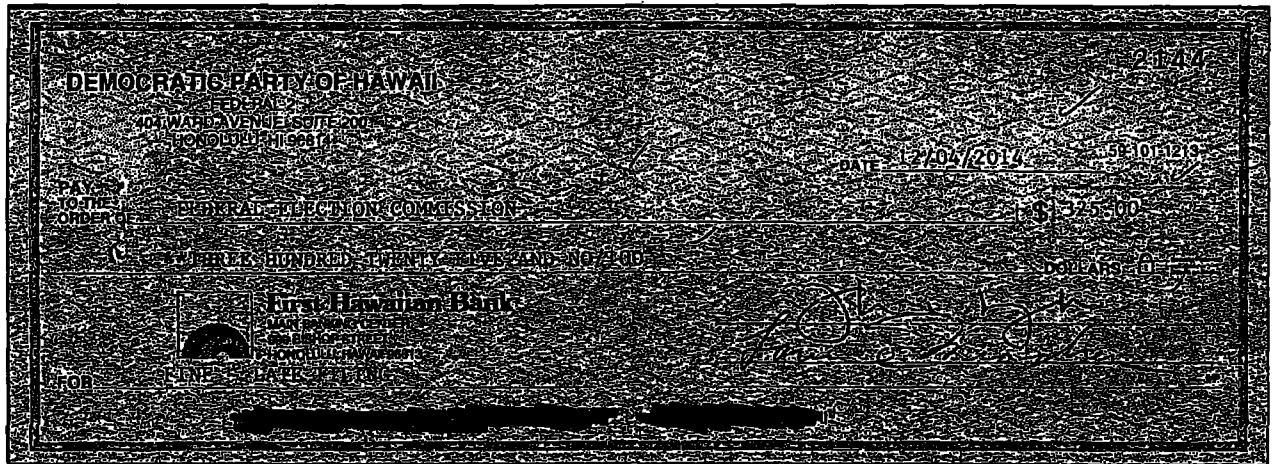
PAYMENT AMOUNT DUE: \$325

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 12/12/2014

usbank.

St. Louis GA Lockbox
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	1	Y-3089759	\$325.00	\$325.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2844

DATE SCANNED

3/18/15

SCANNER NO.

2

SCAN OPERATOR

ΣΣJ